



25 years [Vienna International Centre](#)



United Nations High Commissioner for Refugees (UNHCR) in Austria

A LONG TRADITION OF ASSISTING REFUGEES

The United Nations High Commissioner for Refugees opened its representation in Vienna in 1951, the founding year of the United Nations refugee agency. UNHCR is therefore the longest serving UN organization in Austria. In 1979, the office moved to the new Vienna International Centre. From 1991 to 2000, the Representation in Vienna has also fulfilled many regional functions.

For many years, the UNHCR in Austria primarily offered material help for refugees. More recently, the main task was to provide legal protection for refugees and asylum seekers. UNHCR monitors the implementation of the relevant asylum laws in Austria according to the Geneva Refugee Convention and makes suggestions on refugee related questions to the authorities. It also works with Austrian non-governmental organizations (NGOs) dealing with refugees and asylum seekers. Additionally, UNHCR in Vienna maintains close relations with the Organization for Security and Co-operation in Europe (OSCE). UNHCR also raises awareness for the refugee situation through public information, teaching materials, other publications and the website www.unhcr.at. The representation in Vienna supports and co-finances an Austria-wide network of lawyers who give legal advice and assistance to refugees and asylum seekers. UNHCR intervenes directly only in difficult individual cases. It also provides training for government officials and refugee counselors.

A HISTORY OF HELPING

Austria has a long history of helping refugees fleeing from war, torture and persecution. Since 1945, more than two million refugees have come to Austria. Out of them, 700,000 have stayed. As a consequence of different crises, large numbers of refugees sought help in Austria in 1956, 1968, 1980 and in 1992.

In 1956/57 180,000 Hungarians fled to Austria, 160,000 Czechs and Slovaks found safety in Austria in 1968 after the Warsaw Pact troops marched into former Czechoslovakia. Most of the refugees returned to their home countries, some migrated further and some integrated in Austria. In 1980/81, martial law was declared in Poland. As a consequence, 33,000 refugees arrived in Austria, nine out of ten were later resettled in third countries. With the beginning of the war in the Balkans, 13,000 refugees fled from Croatia to Austria in 1991/92. In 1992, the first of the 90,000 refugees started to come from Bosnia. In spring 1999, when the conflict in Kosovo escalated, Austria accepted more than 5,000 refugees on a temporary basis. As soon as the armed conflict was over, the first return movements started.

SEEKING PROTECTION

If someone comes to Austria and seeks protection, he or she has to apply for asylum. Afterwards, the authorities are responsible for examining whether there are reasons to reject the application or whether a third country is responsible for dealing with the asylum claim. First, the "Bundesasylamt" verifies whether the asylum seeker is a refugee or not. A refugee, as defined in the Geneva Refugee

Convention, is somebody who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country...”. During the interview, the asylum seeker has to recount the story of his or her flight. Officials have to decide whether the person can be granted asylum or not. If the asylum application is rejected, asylum seekers can appeal at the “Unabhängige Bundesasylsenat” (UBAS). These procedures often take years. During this time, asylum seekers have no permission to work. Although the Supreme Court ruled that all asylum seekers who fulfill the conditions as set out in the respective law have the right to get federal care and maintenance, this is often not the case. Many asylum seekers therefore depend on the help of NGOs.

FACING TODAY'S CHALLENGES

During the past two years, the number of people seeking asylum in Austria has decreased considerably. In 2003, 32,364 asylum applications were lodged, compared to 39,354 in 2002. Every year, approximately 1,000 people are granted asylum. In 2003, a new asylum law was passed in Austria. UNHCR heavily criticized its draft saying that it was at variance with the Geneva Refugee Convention. Despite a couple of modifications, the major concerns of UNHCR and other institutions remained in the second draft which was again criticized by the UN refugee agency.

Especially the so-called “Neuerungsverbot” which demands that asylum seekers tell their history of flight at one go without being allowed to add new details later, worries UNHCR. People who have come from war-torn areas, who have undergone violence and torture, are often not able to talk about what had happened to them right after having arrived. The reasons for this may be shame or fear. Moreover, refugees can no longer apply for asylum at certain border posts. UNHCR also criticizes the fact that with the new law, the second instance is weakened. Some groups of asylum seekers can be deported although their asylum procedure has not yet come to an end.

Another issue UNHCR is very concerned about is the process of harmonizing asylum procedures in EU countries. The European Union has been working for several years on the harmonization of asylum procedures in its member States, but has not yet come to a consensus. Since a large number of people continued to apply for asylum in EU countries, many governments introduced tighter laws. Therefore, UNHCR is very concerned that the harmonization process of the EU asylum legislation will result in a substantial deterioration of standards. UNHCR fears that asylum seekers—including refugees—may be sent to countries with insufficient guarantees for their effective protection and may be denied access to an asylum procedure without verification that they would indeed be safe and that their claim would be heard.

In the coming years, UNHCR will continue providing help for refugees by assisting in repatriating them to their home countries provided conditions are safe, by helping them to integrate in their countries of asylum or by enabling them to resettle in third countries.